

RECEIVED  
CENTRAL FAX CENTER  
FEB 28 2008

Amendment  
Serial No. 10/671,218

### REMARKS

Reconsideration of all grounds of rejection, and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-18 are pending in the application. Claims 1-18 stand rejected. Claims 1 and 10 are independent claims.

Claims 1, 7, 10 and 16 stand rejected under 35 U.S.C §102(e) as allegedly being anticipated by Blahut *et al.* (U.S. 6,778,550) ("Blahut"). Claims 2 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of Sala *et al.* (U.S. 7,127,167) ("Sala"). Claims 3, 5, 9, 12, 14 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of U.S. Patent Application Publication No. 2003/0016692 to Thomas *et al.* (U.S. Pat. Pub. 2003/00166982) ("Thomas"). Claims 4, 6, 8, 13, and 15 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of Sala and further in view of Thomas. Applicant respectfully traverses all grounds of rejection for the reasons indicated herein below.

We first note that although the Office Action at page 6 (item no. 7) does not list claim 17 as being rejected, the Office Action at page 8, second paragraph, indicates otherwise. Applicant's response presumes claim 17 is still rejected.

With regard to the rejections under 35 U.S.C. 102(e) in view of Blahut, Applicant respectfully submits that the Office Action is incorrect in the allegation that the rejected claims read on Blahut as ONU of Blahut is allegedly analogous to subscriber optical distributor (an non-limiting example of which is element 300 shown in FIG. 3) of the presently claimed invention.

Amendment  
Serial No. 10/671,218

The ONU in Blahut converts the received optical signal into an electrical signal (FIG. 5 of Blahut shows that photodiode 504 converts the 1550 nm signal into an electrical signal).

In contrast with Blahut, in the present invention, the ONU provides a converged optical signal to the user (via TDM) that is converted by the subscriber optical distributor 300.

In addition, claims 1 and 10 have been amended to recite in part, that: "an optical transceiver configured to receive an optical TDM (Time Division Multiplex) broadcasting-telecommunications converged signal from an Optical Network Unit (ONU), to convert the optical broadcasting-telecommunications signal to an electrical broadcasting-telecommunications signal, and to convert an uplink electrical signal received from a subscriber to an optical signal". Support is clearly shown in FIG.s 3 and 4 and disclosed at page 7, lines 16-18.

Applicant respectfully submits that Blahut clearly fails to anticipate any of the present claims, as the ONU 106 (details of ONU 106 are shown in FIG. 5) converts the optical signal into an electrical signal via a photodiode and fails to output a converged broadcasting telecommunications optical signal to a subscriber optical distributor, as recited in claims 1 and 10. Nor does the ONU in Blahut provide the converged optical signal to a subscriber optical distributor.

In addition, an advantage of the present invention is that a subscriber optical distributor with an optical transceiver 41 (FIG. 4) permits the use of a VCSEL transceiver (claims 3 and 12) because the transmission distance is limited.

In contrast, Blahut is similar to the conventional FTTx optical transmission network.

In addition, with regard to claims 7 and 16, we respectfully disagree with the Examiner's allegation in the Office Action on page 3, last paragraph, because Blahut does not disclose a

Amendment  
Serial No. 10/671,218

**subscriber optical distributor that receives a converged broadcasting-telecommunications optical signal from an ONU. A subscriber optical distributor is not an ONU.**

According to the United States Court of Appeals for the Federal Circuit, a claim is anticipated under 35 U.S.C. §102 only if a single prior art reference sets forth each and every feature recited in a claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)), including the features in functional language (*In re Schreiber*, 128 F.3d 1473, 1478, 44 USPQ.2d 1429 (Fed. Cir. 1997) (citing *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971))).

Accordingly, for at least the above reasons, Applicant respectfully submits that claims 1, 7, 10 and 16 are not anticipated by Blahut. Nor would these claims have been obvious over Blahut and/or any combination of Blahut with Sala and/or Thomas. Moreover, the combinations of elements, as recited in the present claims, would not have been obvious at the time of invention as being within the ordinary level of skill in the art.

Moreover, other claims in this application that are each dependent on the independent claims 1 or 10, and are believed patentable at least for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual consideration of the patentability of each claim on its own merits is respectfully requested.

With regard to the rejections under 35 U.S.C. §103(a), Applicant respectfully submits that Blahut in combination with Sala and/or Thomas fail to disclose, suggest or otherwise render obvious the presently claimed optical signal distributor in a FTTH network wherein a converged optical signal is received by the subscriber optical distributor from an ONU at the user's location via an optical fiber. Nor would the combination of Blahut, Sala and/or Thomas, in any combination, disclose, or render obvious the presently claimed invention. Addition, nor are the

Amendment  
Serial No. 10/671,218

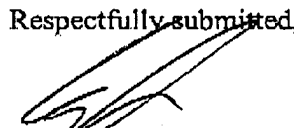
recitations recited in claims 1 and 10 within the ordinary level of skill by the artisan such that any of the present claims would have been obvious at the time of convention. Reconsideration and withdrawal of all grounds of rejections under 35 U.S.C. 103(a) are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

While no fees are believed due at this time, please credit any overage or charge any deficiency to Deposit Account 502-470.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

  
By Steve S. Cha  
Attorney for Applicant  
Registration No. 44,069

Date: February 28, 2008

Steve S. Cha, Reg. No. 44,069  
Cha & Reiter  
210 Route 4 East, #103  
Paramus, NJ 07652  
Telephone: (201) 226-9245  
Facsimile: (201) 226-6246